

## ROY CHANDLER

---

MAY 18 (legislative day, MAY 15), 1942.—Ordered to be printed

---

Mr. HOLMAN, from the Committee on Military Affairs, submitted the following

## REPORT

[To accompany S. 2310]

The Committee on Military Affairs, to whom was referred the bill (S. 2310) for the relief of Roy Chandler, having considered the same, report favorably thereon with recommendation that it do pass.

Roy Chandler, Army serial No. 556957, was inducted in the military service February 18, 1918. It is alleged that he deserted the service April 24, 1918, and later in May of the same year was apprehended by civil authorities and returned to military control. After treatment in a military hospital the Army authorities discharged him without trial from the service under other than honorable conditions by reason of desertion and physical unfitness for the military service.

There is nothing in the War Department records to show that Chandler at any time had any intention of deserting the service.

Your committee believe the circumstances attending this case justify favorable consideration of this measure.

The bill provides that in the administration of any laws conferring rights, privileges, and benefits upon honorably discharged soldiers, Roy Chandler shall be held and considered to have been honorably discharged on August 17, 1918, as a private, Company G, Thirty-ninth Regiment, United States Infantry.

Identical bills, S. 438, Seventh-fourth Congress; S. 2096, Seventy-fifth Congress; and S. 666, Seventy-sixth Congress were reported favorably by the Senate Military Affairs Committee and passed by the Senate.

Report No. 541, Seventy-sixth Congress, first session, which relates the history of this case, follows:

The Committee on Military Affairs, to whom was referred the bill (S. 666) for the relief of Roy Chandler, having considered the same, report favorably thereon with a recommendation that it do pass.

Identical bills, S. 438, Seventy-fourth Congress, and S. 2096, Seventy-fifth Congress, first session, were reported favorably by the Senate Military Affairs Committee on March 4, 1935, and June 1, 1937, respectively, which measures were passed by the Senate. The bill S. 666 provides that in the administration of any laws conferring rights, privileges, and benefits upon honorably discharged soldiers, Roy Chandler shall be held and considered to have been honorably discharged on August 17, 1918, as a private from Company G, Thirty-ninth Regiment United States Infantry.

Chandler was in the military service 2 months and about 6 days being discharged at Fort Oglethorpe, Ga., August 17, 1918, under conditions other than honorable by reason of desertion and physical unfitness for the military service. His character at the time of his discharge was recorded as "good."

He contends that prior to his leaving the service, he received a message that his mother was not expected to live, and that being unable to obtain a furlough and determined to return home to see his mother, he left the military service without permission. He submits that he left with the intent of returning within 10 days, in which case he would have been charged only with being A. W. O. L. Evidence presented to the committee in this case shows that Chandler took ill at Huntsville, Ala., and that he was put in jail when it was ascertained he had left his command without permission. It further appears that he was returned to military control, that he was thereupon put in the guardhouse, but that the next day he was placed in the hospital in the TB ward where he remained some 6 weeks. The statement submitted by The Adjutant General of the Army in connection with this bill shows that Chandler was treated at the United States Army General Hospital No. 14, Fort Oglethorpe, Ga., from May 19 to June 29, 1918, for tuberculosis, pulmonary, chronic, inactive, right upper lobe, peribronchial in type. On June 1, 1918, an additional diagnosis of pleurisy, fibrinous, chronic, left base, was made.

After having reconsidered Chandler's case, the Senate Military Affairs Committee has again reported favorably the legislation in his behalf. There is nothing in the record to show that he at any time had any intention of deserting. The official records confirm his statement that he was placed in the hospital for treatment of TB immediately following his return to military control. Senator Thomas of Oklahoma, filed with the committee an affidavit executed by the claimant, which is made a part of this report, and also statement by E. P. Dillon, service officer, Roy Arnell Post, No. 21, American Legion, Checotah, Okla., stating that Chandler is an innocent victim of the law, and that he is in a poor physical condition.

Claimant's affidavit follows:

JANUARY 13, 1934.

#### AFFIDAVIT

I, Roy Chandler, of Checotah, Okla., on oath state: That I was a soldier of the United States Army, 1918, stationed with Company G, Thirty-ninth Infantry, Fourth Division, at Camp Green, Charlotte, N. C.

On or about the 1st of May 1918, I received a message that my mother was not expected to live, and I asked for a furlough to go home, but the first lieutenant told me that they were not giving out any furloughs at that time; but I determined to see my mother before she died, and left the camp without a pass or furlough, thinking that I could come home and be back to camp within the 10 days; that the A. W. O. L. sentence would draw, but I took sick at Huntsville, Ala., and I could not find any Army men at this place, so I turned in to the chief of police there, who threw me in jail, where he kept me for more than a week, and this police chief took me to Fort Oglethorpe, Ga., and turned me over to the Army officers there at Oglethorpe. I was thrown in the guardhouse for the night, and the next day I was put into the hospital, where I was put in the TB ward of this base hospital, and I stayed in this TB ward for 6 weeks, and then discharged out of this TB ward and was sent home.

ROY CHANDLER.

Subscribed and sworn before me this 13th day of January 1934.

[SEAL]

ESTHER G. MONCRIEF, *Notary Public.*

Commission expires October 16, 1936.

Report of the War Department on S. 666 follows:

FEBRUARY 2, 1939.

Hon. MORRIS SHEPPARD,  
*Chairman, Committee on Military Affairs,  
United States Senate.*

DEAR SENATOR SHEPPARD: Careful consideration has been given to S. 666, Seventy-sixth Congress, first session, a bill for the relief of Roy Chandler, which you transmitted to the War Department on January 24, 1939, with a request that the Senate Committee on Military Affairs be furnished any information in the possession of the War Department relative thereto.

The provisions of this bill are identical with those contained in a previous bill, S. 2096, introduced into the Seventy-fifth Congress in behalf of Private Chandler, upon which the War Department submitted an adverse report to your committee under date of April 15, 1937. That report, which sets forth the factors involved in the case, together with the views of the Department is quoted below:

"In response to your request of April 8, 1937, for information relative to the bill S. 2096, Seventy-fifth Congress, first session, for the relief of Roy Chandler, your consideration is invited to the enclosed statement of the military service of this former soldier, prepared in the office of The Adjutant General, which contains all pertinent data concerning the man which appear of record in the War Department.

"The bill under consideration proposes by its terms that in the administration of any laws conferring rights, privileges, and benefits upon honorably discharged soldiers Roy Chandler, who was a member of Company G, Thirty-ninth Infantry, shall be held and considered to have been honorably discharged from the military service of the United States on August 17, 1918. Examination of the statement of service, prepared in the office of The Adjutant General from the official records, shows that this soldier was discharged under conditions other than honorable on August 17, 1918, by reason of desertion and physical unfitness for the military service.

"The enactment of this bill into law would, in effect, constitute a legislative reversal of the considered action of the authorities charged with the execution of the laws enacted for the government and control of the military forces. Moreover, the enactment would place a man with an unsavory military record on a par with and entitle him to the same privileges and benefits as those who rendered good and faithful service and thereby received honorable discharges.

"Army regulations now in effect provide for the elimination of soldiers from the military service under similar conditions and in the same manner as used in the separation of this soldier and the inconsistency of granting relief in this case by special legislation while at the same time more are being added to the same category through the operation of existing laws and regulations is readily apparent. Nothing appears in the records of this man to indicate that any injustice has been done him. So far as this Department is able to ascertain, there is no justification for the legislation and no merit in the claim of the former soldier for special favors or consideration.

"The War Department recommends that the pending bill be not favorably considered by your committee."

After reconsideration of the entire matter, the War Department adheres to the view expressed in its previous report, quoted in the foregoing, and recommends that S. 666, be not enacted into law.

Sincerely yours,

HARRY H. WOODRING,  
*Secretary of War.*

CASE OF ROY CHANDLER, PRIVATE, COMPANY G, THIRTY-NINTH INFANTRY

WAR DEPARTMENT,  
THE ADJUTANT GENERAL'S OFFICE,  
February 2, 1939.

The honorable the SECRETARY OF WAR:

The records of this office show that Roy Chandler, Army serial No. 556957 was inducted into the military service by the local board for Eufaula, McIntosh County, Okla., February 18, 1918, and was forwarded to Camp Greene, N. C., where he was assigned to Company G, Thirty-ninth Infantry. He deserted the service April 24, 1918, at Camp Greene, N. C., was apprehended by the civil authorities at Huntsville, Ala., May 4, 1918, and was returned to Fort Oglethorpe,

Ga., May 18, 1918, where he was placed in confinement. On May 19, 1918, he was admitted to United States Army General Hospital No. 14, Fort Oglethorpe, Ga., for treatment, and on August 17, 1918, he was discharged at Fort Oglethorpe, Ga., under conditions other than honorable, by reason of desertion and physical unfitness for the military service.

The records further show that he received medical treatment from March 9 to 29, 1918, for mumps, bilateral; from May 19 to June 29, 1918, for tuberculosis, pulmonary, chronic, inactive, right upper lobe, peri-bronchial in type, and on June 1, 1918, an additional diagnosis of pleurisy, fibrinous, chronic, left base, was made.

Respectfully submitted.

E. S. ADAMS,  
Major General,  
The Adjutant General.

